

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL
CIRCUIT**

2015-1039

**RETIREMENT CAPITAL ACCESS MANAGEMENT COMPANY
LLC,**

Appellant,

v.

U.S. BANCORP,

Appellee.

Appeal from United States Patent and Trademark Office Patent
Trial and Appeal Board in Case No. CBM2013-00014

**UNOPPOSED MOTION OF APPELLEE U.S. BANCORP TO
EXTEND TIME TO FILE RESPONSE BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b)

Appellee U.S. Bancorp moves for an extension of time to file its response brief, now due on March 9, 2015 by fourteen days until March 23, 2015. Counsel for Appellant Retirement Capital Access Management Company LLC and Counsel for the Intervenor, Director of the United States Patent and Trademark Office has stated that it does not oppose the requested relief.

I. Unopposed Motion to Extend Briefing Deadline

U.S. Bancorp moves for an extension of time of fourteen (14) days to file its response brief. The deadline for filing U.S. Bancorp's response brief is currently set at March 9, 2015. The requested extension would set the due date to March 23, 2015. One previous extension was granted to U.S. Bancorp [D.I. No 17] prior to this Court granting the Director's Motion to Intervene and resetting the briefing schedule. *See* D.I. 18.

In accordance with Federal Circuit Rule 26(b)(1), this motion is being filed seven days before the deadline sought to be extended. In accordance with Federal Circuit Rule 26(b)(5), the motion is accompanied by an affidavit demonstrating good cause for the extension.

Counsel for U.S. Bancorp has contacted Appellant's counsel, Casey Griffith, and Intervenor's counsel, Lore Unt, who have stated that they do not oppose U.S. Bancorp's request for additional time.

On January 27, 2015, the Court granted the Director's motion for leave to intervene. D.I. 18. The Order also reset the

briefing schedule so that the Intervenor's and Appellee's brief are due on the same day. *Id.* On March 1, 2015, the Director filed an unopposed motion to extend the time to file the Director's brief by fourteen days. D.I. 21. Appellee also need additional time so that it may coordinate the submission of its response brief with the Director. The extension will also maintain the consistency in the briefing schedule.

III. Conclusion

Accordingly, U.S. Bancorp respectfully submits that good cause exists to extend the time to file its response brief, extending the due date by fourteen days to March 23, 2015.

Respectfully submitted,

/s/ Anthony H. Son

Anthony H. Son
Andrews Kurth LLP
1350 I Street, N.W.
Suite 1100
Washington, D.C. 20005
(202) 662-2700 (O)
AnthonySon@andrewskurth.com

Dated: March 2, 2015

UNITED STATES COURT OF APPEALS FOR THE FEDERAL
CIRCUIT

2015-1039

RETIREMENT CAPITAL ACCESS MANAGEMENT COMPANY
LLC,

Appellant,

v.

U.S. BANCORP,

Appellee.

Appeal from United States Patent and Trademark Office Patent
Trial and Appeal Board in Case No. CBM2013-00014

CERTIFICATE OF INTEREST

Counsel for the Petitioner-Appellee U.S. Bancorp certifies
the following:

1. The full name of every party or amicus represented by me is:

U.S. Bancorp

2. The name of the real party in interest (if the party named in
the caption is not the real party in interest) represented by me is:

U.S. Bank National Association

3. All parent corporations and any publicly held companies
that own 10 percent or more of the stock of the party or amicus

curiae represented by me are:

Real party in interest U.S. Bank National Association is a wholly owned subsidiary of U.S. Bancorp. U.S. Bancorp is a publicly owned corporation organized under the laws of the State of Delaware and does not have any parent corporation and no publicly held corporation owns 10% or more of its stock

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Anthony H. Son
ANDREWS KURTH LLP
1350 I Street, N.W.
Suite 1100
Washington, D.C. 20005
(202) 662-2784

Matthew J. Dowd
Brian H. Pandya
Ryan M. Corbett
WILEY REIN LLP
1776 K Street NW
Washington, DC 20006
(202) 719-7000

Date: March 2, 2015

/s/ Anthony H. Son

Signature of counsel

Anthony H. Son

Printed name of counsel

EXHIBIT A

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL
CIRCUIT**

2015-1039

**RETIREMENT CAPITAL ACCESS MANAGEMENT COMPANY
LLC,**

Appellant,

v.

U.S. BANCORP,

Appellee.

Appeal from United States Patent and Trademark Office Patent
Trial and Appeal Board in Case No. CBM2013-00014

**DECLARATION OF ANTHONY H. SON IN SUPPORT OF
UNOPPOSED MOTION OF APPELLEE U.S. BANCORP TO
EXTEND TIME TO FILE RESPONSE BRIEF**

I, Anthony H. Son, hereby declare as follows:

1. I am an attorney in the law firm of Andrews Kurth, LLP, 1350 I Street, N.W., Suite 1100, Washington, D.C. 20005.
2. I am admitted to practice in California and the District of Columbia. I am also admitted to practice before the U.S. Supreme Court; the U.S. Court of Appeals for the Federal Circuit;

various U.S. District Courts; and the U.S. Patent and Trademark Office.

3. I am principal counsel of record for U.S. Bancorp in the current appeal.

4. The current appeal was docketed on October 10, 2014.

5. On December 9, 2014, the United States Patent and Trademark Office (“Director”) filed a motion to intervene pursuant to 35 U.S.C. § 143.

6. On January 27, 2015 the Court granted the motion to intervene and reset the due date for Appellee’s brief to March 9, 2015.

7. On February 26 and 27, 2015, I conferred with counsel for Appellant, Casey Griffith, and Intervenor, Lore Unt regarding the requested extension. Counsel for Appellant and Intervenor indicated that they do not oppose the requested fourteen (14) day extension of time to maintain the same briefing order as set forth in the Court’s January 27, 2015 Order.

8. Based on the above facts, I believe that good cause exists for seeking an extension of fourteen (14) days.

10. I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: March 2, 2015

/s/ Anthony H. Son
Anthony H. Son
Andrews Kurth LLP
1350 I Street, N.W.
Suite 1100
Washington, D.C. 20005
(202) 662-2700 (O)
AnthonySon@andrewskurth.com

CERTIFICATE OF SERVICE

I hereby certify that on this March 2, 2015 day of January 2015, the foregoing UNOPPOSED MOTION OF APPELLEE U.S. BANCORP TO EXTEND TIME TO FILE RESPONSE BRIEF was filed by using the appellate CM/ECF system and therefore was electronically served on all counsel of record were electronically served via email pursuant to Fed. R. App. P. 25 and Fed. Cir. R. 25(c) through the Court's CM/ECF filing system.

By: /s/ Anthony H. Son
Anthony H. Son
Andrews Kurth LLP
1350 I Street, N.W.
Suite 1100
Washington, D.C. 20005
(202) 662-2700 (O)
AnthonySon@andrewskurth.com